

**TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD**

**vs.**

DOCKETED COMPLAINT NO.  
14-155

BARBARA LYNNE CATHEY  
TX-1337337-L

**AGREED FINAL ORDER**

On the 15 day of May, 2015, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the license of Barbara Lynne Cathey (the "Respondent").

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein. Respondent further agrees to the disciplinary action set out in this Agreed Final Order (the "Agreed Final Order"). The Board makes the following findings of fact and conclusions of law and enters this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

## FINDINGS OF FACT

1. Respondent is a Texas state licensed real estate appraiser who holds license number TX-1337337-L and was licensed by the Board during all times material to the above-noted complaint.
2. Respondent appraised residential real property located at 191 County Road 845, Rosharon, Texas 77583 (the "Property"), on or about January 14, 2014.
3. Thereafter, the complaint, numbered 14-155, was filed with the Board by a consumer, on or about March 10, 2014. The Board investigated the complaint to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. The Board, in accordance with the mandate of TEX. GOV'T CODE ANN. CHPT. 2001, the Administrative Procedure Act (the "APA"), and the Act, notified Respondent of the nature of the accusations involved, on or about March 26, 2014. Respondent was afforded an opportunity to respond to the accusations in the complaint and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about April 21, 2014.
5. As a result of the Board's investigation, the Board finds that Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1 by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal of the Property:

Agreed Final Order  
Page 1 of 7

- a. USPAP Record Keeping Rule -- Respondent failed to provide documentation in her work file necessary to support her analyses, opinions and conclusions;
  - b. USPAP Scope of Work Rule; USPAP Standards Rules 1-2(h) & 2-2(a)(vii); 1-2(b) & 2-2(a)(ii); 1-2(c) & 2-2(a)(v); 1-3(b) & 2-2(a)(ix); 1-1(c) -- Respondent failed to summarize her scope of work, intended user of her opinions and conclusions, did not identify the definition of market value and did not summarize her rationale for her highest and best use determination;
  - c. USPAP Standards 1-2(e)(i) & 2-2(a)(iii) -- Respondent failed to identify and describe the site and improvements description adequately
  - d. USPAP Standards 1-4(a) & 2-2(a)(viii); 1-1(a) -- Respondent failed to collect, verify, analyze and reconcile comparable sales data and did not employ recognized methods and techniques correctly in the sales comparison approach; and,
  - e. USPAP Standard 2-1(a) -- Respondent produced a misleading appraisal report.
6. Respondent made material misrepresentations and material omissions of material fact with respect to the appraisal of the Property as detailed above.
7. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Act.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1 and 153.20(a)(6).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(12) by making material misrepresentations and material omissions of material fact.
4. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

### ORDER

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent's state license (TX-1337337-L) shall be suspended until the earlier of: (1) 5:00 p.m. on August 14, 2015 or (2) the time at which all mentorship required by this agreed final order is completed, submitted and received by the Board. IT IS FURTHER ORDERED that Respondent's license be revoked, with this revocation being fully probated for twenty-four (24) months, under the following terms and conditions.

Agreed Final Order  
Page 2 of 7

1. **EDUCATION.** On or before May 14, 2016, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Agreed Final Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. If the class requires an exam, Respondent must receive a passing grade on the exam. None of the required class hours will count toward Respondent's continuing education requirements for licensure. Respondent is solely responsible for locating and scheduling classes to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.
  - a. A minimum 15 classroom hour course in USPAP; and,
2. **MENTORSHIP.** On or before August 14, 2015, Respondent shall complete thirty-one (31) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor and a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees on or before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Agreed Final Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.
  - a. 7 hours of mentorship covering common USPAP areas of deficiency (to include 3 hours addressing the sales comparison approach);
  - b. 6 hours of mentorship in the sales comparison approach;
  - c. 6 hours of mentorship in making, analyzing, and supporting adjustments in the sales comparison approach;
  - d. 2 hours of mentorship in residential report writing; and,
  - e. 2 hours of mentorship in work file obligations under USPAP; and,
  - f. 8 additional hours of mentorship to be completed 30 days after completion of the 23 hours noted above (items 2a through 2e) and after the mentor reviews at least 2 samples of Respondent's recent work product. These additional 8 hours shall cover those areas of deficiency or weakness revealed by the mentor's review of Respondent's recent work product.
3. **ADMINISTRATIVE PENALTY.** Respondent shall pay to the Board an administrative penalty of one thousand, five hundred dollars (\$1,500.00) via (10) ten, monthly installment payments, by cashier's check or money order.

Payments shall timely be delivered to the Board based on the following payment schedule:

- a) \$100.00 on or before 5:00 p.m. on Thursday, June 4, 2015;
  - b) \$100.00 on or before 5:00 p.m. on Monday, July 6, 2015;
  - c) \$100.00 on or before 5:00 p.m. on Tuesday, August 4, 2015;
  - d) \$100.00 on or before 5:00 p.m. on Friday, September 4, 2015;
  - e) \$100.00 on or before 5:00 p.m. on Monday, October 5, 2015;
  - f) \$100.00 on or before 5:00 p.m. on Wednesday, November 4, 2015;
  - g) \$100.00 on or before 5:00 p.m. on Friday, December 4, 2015;
  - h) \$100.00 on or before 5:00 p.m. on Monday, January 4, 2016;
  - i) \$100.00 on or before 5:00 p.m. on Thursday, February 4, 2016;
  - j) \$100.00 on or before 5:00 p.m. on Friday, March 4, 2016;
  - k) \$100.00 on or before 5:00 p.m. on Monday, April 4, 2016;
  - l) \$100.00 on or before 5:00 p.m. on Wednesday, May 4, 2016;
  - m) \$100.00 on or before 5:00 p.m. on Monday, June 6, 2016;
  - n) \$100.00 on or before 5:00 p.m. on Monday, July 4, 2016; and,
  - o) \$100.00 on or before 5:00 p.m. on Thursday, August 4, 2016.
4. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and,
5. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

#### **ACKNOWLEDGMENT AND WAIVER**

**RESPONDENT'S FAILURE TO TIMELY COMPLY WITH ANY TERM IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE SHALL RESULT IN THE AUTOMATIC REVOCATION OF PROBATION AND THE REVOCATION IMPOSED IN THIS AGREED FINAL ORDER SHALL BE EFFECTIVE FOR THE FULL TERM COMMENCING ON THE EFFECTIVE DATE OF THE REVOCATION OF PROBATION. IF RESPONDENT FAILS TO TIMELY COMPLY**

Agreed Final Order  
Page 4 of 7

**WITH ANY TERMS IN THIS AGREED FINAL ORDER, WHICH HAS A SPECIFIC, STATED DUE DATE, THE RESPONDENT SHALL BE IMMEDIATELY ASSESSED A \$1,000 ADMINISTRATIVE PENALTY.**

**ANY SUCH REVOCATION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE APA, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.**

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this Agreed Final Order or to bring any civil suit in state or federal court regarding the validity or enforcement of this Agreed Final Order, regardless of the claims asserted. This Agreed Final Order, the findings of fact and the conclusions of law contained in it have been fully and fairly litigated or the parties had an opportunity to so litigate. This matter has been finally adjudicated and resolved via this Agreed Final Order. This Agreed Final Order shall be treated as res judicata, precluding any re-litigation of those claims and extinguishing the right to bring suit on the matter by the parties or those in privity with them. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's website.

I have read and reviewed this entire Agreed Final Order fully and am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the Board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including for any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

#### **DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE**

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance of this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: [compliance.talcb@talcb.texas.gov](mailto:compliance.talcb@talcb.texas.gov); (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement

Agreed Final Order  
Page 5 of 7

Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building,  
1700 N. Congress Ave., Suite 400, Austin, TX 78701.

**EXECUTION**

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

**RESPONDENT**

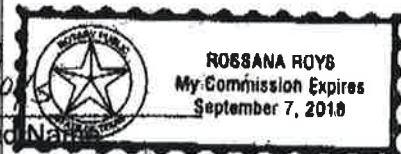
Signed this 4<sup>th</sup> day of May, 2015.

Barbara Lynne Cathey  
BARBARA LYNNE CATHEY

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 4<sup>th</sup> day of May, 2015, by BARBARA LYNNE CATHEY, to certify which witness my hand and official seal.

Rossana Roys  
Notary Public's Signature

ROSSANA ROYS  
Notary Public's Printed Name

**RESPONDENT'S ATTORNEY**

Signed this 4 day of may, 2015.

Ted Whitmer  
TED WHITMER, Respondent's Attorney

**STANDARDS AND ENFORCEMENT SERVICES DIVISION**


Signed by the Standards and Enforcement Services Division this 4<sup>TH</sup> day of MAY, 2015.

Troy Beaulieu  
Troy Beaulieu, Staff Attorney  
Texas Appraiser Licensing and Certification Board

Agreed Final Order  
Page 6 of 7

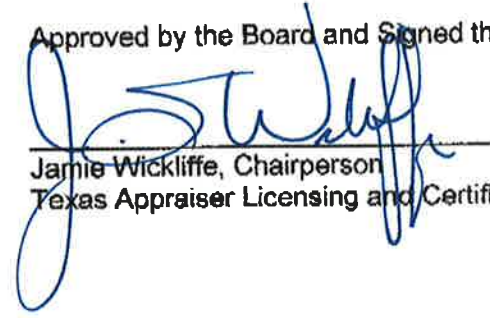
**COMMISSIONER**

Signed by the Commissioner this 4 day of May, 2015.

  
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Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

**CHAIRPERSON**

Approved by the Board and Signed this 15 day of May, 2015.

  
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Jamie Wickliffe, Chairperson  
Texas Appraiser Licensing and Certification Board